

RESOLUTION THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 2022 - XXX

RESOLUTION OF THE CITY OF SAN LEANDRO CITY COUNCIL ADOPTING AN ADDENDUM TO THE SAN LEANDRO SHORELINE DEVELOPMENT PROJECT EIR (SCH # 2013072011) AND APPROVING VESTING TENTATIVE TRACT MAP 8633 TO SUBDIVIDE APPROXIMATELY 59 ACRES LOCATED WEST OF MONARCH BAY DRIVE BETWEEN MARINA BOULEVARD AND FAIRWAY DRIVE INTO SEVEN PARCELS FOR THE SHORELINE DEVELOPMENT

WHEREAS, the City owns approximately 59 acres west of Monarch Bay Drive between Marina Boulevard and Fairway Drive identified as Alameda County Assessor's Parcel Numbers: 079A 0590 001 07, 079A 0475 009 04, 079A 0590 006 00, 079A 0590 005 00, 079A 0590 002 00, 080G 0900 004 01, 080G 0900 001 08, 079A 0590 004 00, 079A 0590 002 00 (the "Property"); and

WHEREAS, on February 24, 2020, the City Council approved a disposition and development agreement ("DDA") with Cal Coast Companies LLC, Inc. for the shoreline development project, that includes significant residential, commercial, and recreational development, and the City Council approved General Plan and Zoning Map amendments necessary for the shoreline development project (the "Project"); and

WHEREAS, the proposed Vesting Tentative Tract Map 8633, identified as "Exhibit A" attached, would subdivide the Property into seven parcels, each of which will accommodate a different portion of the Project; and

WHEREAS, the proposed Vesting Tentative Tract Map also modifies the right-of-way for Monarch Bay Drive to accommodate the planned roundabout between Mulford Point Drive and Marina Boulevard; and

WHEREAS, the proposed Vesting Tentative Tract Map satisfies all applicable requirements of the San Leandro Zoning Code and City's Subdivision Ordinance contained in San Leandro Municipal Code chapter 7-1; and

WHEREAS, the development of the City's Shoreline area and the planned Project are addressed extensively in the San Leandro 2035 General Plan; and

WHEREAS, the proposed Vesting Tentative Tract Map is consistent with the San Leandro 2035 General Plan; and

WHEREAS, approval of the proposed Vesting Tentative Tract Map will allow the City to lease portions of the Property as required by the DDA and allow Cal Coast Companies LLC, Inc. to commence development of the Project; and

WHEREAS, approval of the proposed Vesting Tentative Tract Map will not approve any of the required planning entitlements for the Project, and such entitlements will be considered by City Council at a later date; and

WHEREAS, the proposed Vesting Tentative Tract Map is necessary to implement the DDA, which includes the provision of significant community benefits, housing, commercial development, and parks and open space; and

WHEREAS, approximately 42.65 acres of the Property will be retained by the City for public spaces, including parking, the Harbor Basin, and public open space areas; and

WHEREAS, the City has determined that the disposition, through long term leases, of approximately 15.9 acres of the Property will benefit the City and its residents by allowing the Project to move forward and facilitating the construction of necessary housing and commercial development; and

WHEREAS, on July 20, 2015, the City Council previously adopted Resolution No. 2015-125 certifying an environmental impact report for the Project entitled, “San Leandro Shoreline Development Project EIR (SCH # 2013072011)”, and adopting a Mitigation Monitoring and Report Program for the Project; and

WHEREAS, the City Council approved an addendum to the San Leandro Shoreline Development Project EIR on February 24, 2020 (the “First Addendum”); and

WHEREAS, the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., and the State CEQA Guidelines Section 15162 require that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that one or more of the following exists:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time of the previous EIR was certified as complete shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.

WHEREAS, the City prepared a second addendum to the certified EIR documenting that the proposed Vesting Tentative Tract Map 8633 will not have any significant new impacts or substantially increase previously identified significant impacts, and further documents that no new information of substantial importance was identified and no new mitigation measures would be necessary to reduce significant impacts.; and

WHEREAS, the second addendum to the EIR is dated April 11, 2022 and is on file with Community Development Department at San Leandro City Hall located at 835 East 14th Street, attached hereto as “Exhibit B” and incorporated herein by reference (the “Second Addendum”); and

WHEREAS, on April 21, 2022 the Planning Commission held a duly noticed public hearing, at which time all interested parties had the opportunity to be heard, and thereafter adopted a resolution recommending that the City Council approve the Vesting Tentative Tract Map 8633 Project and the related Second Addendum to the EIR, and finding that disposition of a portion of the Property conformed to the San Leandro 2035 General Plan pursuant to Government Code section 65402; and

WHEREAS, a staff report dated May 16, 2022 and incorporated herein by reference, described and analyzed the proposed Vesting Tentative Tract Map 8633 Project and the related Second Addendum to the EIR for the City Council; and

WHEREAS, on May 16, 2022 the City Council reviewed the staff report and the draft Second Addendum to the EIR at a duly noticed public hearing on the proposed Vesting Tentative Tract Map 8633, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City’s General Plan, Zoning Code, and Municipal Code, are incorporated herein by reference, and are available for review at City Hall during normal business hours.

NOW, THEREFORE, the City Council of the City of San Leandro does **RESOLVE** as follows: The above recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED THAT, the City Council of the City of San Leandro does hereby make the following findings and determinations regarding the proposed approval of Vesting Tentative Tract Map 8633 (“Exhibit A”) to subdivide approximately 59 acres west of Monarch Bay Drive between Marina Boulevard and Fairway Drive into seven parcels for the Project, based on the following findings and considering the staff report, the Addendum and the whole of the record related to the Project:

1. Pursuant to CEQA and the CEQA Guidelines, the City Council finds, on the basis of substantial evidence set forth in the record, including but not limited to, the EIR, the First Addendum, the Second Addendum (“Exhibit B”) and all related information presented to the City Council, that the environmental effects of the Vesting Tentative Tract Map 8633 and Project were sufficiently analyzed and that an addendum to the EIR is the appropriate environmental document for the proposed Project.

The City Council further finds that none of the circumstances described in the CEQA Guidelines requiring preparation of a subsequent or supplemental EIR exist because the proposed Vesting Tentative Tract Map 8633:

- will not result in substantial changes in the Project which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 - will not result in substantial changes with respect to the circumstances under which the Project is undertaken that would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 - does not present new information of substantial importance that was not known and could not have been known with exercise of reasonable diligence at the time of the EIR was certified showing any of the following:
 - a. that the proposed Project would have one or more significant effects not discussed in the previous EIR;
 - b. that significant effects previously examined would be substantially more severe than shown in the previous EIR;
 - c. that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the project proponents declined to adopt the mitigation measure or alternative; and
 - d. that mitigation measures or alternatives considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives; and
2. Having considered the Second Addendum, the administrative record, the EIR, the First Addendum and all written and oral evidence presented to the City Council, the City Council finds that all environmental impacts of the proposed Vesting Tentative Tract Map 8633 and Project were addressed within the EIR, the First Addendum, and the Second Addendum. The City Council finds that no new or additional mitigation measures or alternatives are required. The City Council further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts beyond those analyzed in the EIR. The City Council finds that the Addendum contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the City Council.

BE IT FURTHER RESOLVED THAT: The City Council hereby adopts the Second Addendum to the San Leandro Shoreline Development Project EIR and approves Vesting Tentative Tract Map 8633 to subdivide approximately 59 acres located west of Monarch Bay Drive between Marina Boulevard and Fairway Drive into seven parcels for the Project subject to the Conditions of Approval, as further set forth in “Exhibit C” attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED THAT: The City Council finds that Vesting Tentative Tract Map 8633 is consistent with the San Leandro 2035 General Plan, the San Leandro Zoning Code, and the San Leandro Subdivision Ordinance.

